

House Energy and Commerce Committee  
Subcommittee on Oversight and Investigations Hearing  
“Thoroughbred Horse Racing Jockeys and Workers: Examining  
On-Track Injury Insurance and Other Health and Welfare Issues”

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Testimony Submitted by Rose Mary Williams  
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My name is Rose Mary Williams and I am the Director of Racing at Mountaineer Racetrack in Chester, West Virginia. I began my career in racing in 1977 as a mutuel clerk and have worked in racing ever since. I became director of racing in 1997. Mountaineer Racetrack is a mile-long thoroughbred track and has operated since 1951. By State statute, we race a minimum of 210 days per year. By contract with the Horsemen's Benevolent and Protective Association, we endeavor to race 232 days per year with ten races per day, or approximately 2,259 races per year. I am pleased to say that serious accidents are rare.

Gary Birzer's tragic accident happened at my track. But it could have happened at any racetrack in the country. While there has been no claim that the track was defective or improperly maintained, or that track conditions were a factor in causing this accident, it should be noted that, in horseracing, accidents can and do happen even at state-of-the-art facilities, though perfectly maintained, and under ideal conditions.

This is so because riding a racehorse is an inherently risky activity, no different than NASCAR racing, prize fighting, football, and other sports that entertain, amaze and delight us. During a race, thoroughbreds reach speeds of up to 40 miles per hour, and jockeys wear only a safety helmet and two-pound safety vest for protection. Jockeys, like

their counterparts in other sports, accept that risk because they love what they do, and because they are highly compensated. Many jockeys earn as much as \$500,000 per year.

From those earnings, they choose to pay dues and per mount fees into their Guild for the obvious reason: they expect that Guild to provide them protection by, among other things, purchasing and maintaining on-track injury insurance. I will leave to others the relationship between the jockeys and their Guild, the allegations that Dr. Gertmenian failed to inform the jockeys that the Guild had permitted the catastrophic insurance to lapse, and whether the insurance carrier should have notified the jockeys of the cancellation. I simply don't have first-hand knowledge that would be helpful to this Committee.

Consistent with industry custom, Mountaineer Racetrack maintains an on-track injury policy covering jockeys for up to \$100,000 per occurrence and exercise riders for up to \$25,000 per occurrence. Since May of 2000, Mountaineer Racetrack's insurer has paid more than \$1,000,000 in claims to some 89 individuals pursuant to on-track injury policies. Many of those claims were under \$1,000 and most were under \$10,000. Mr. Birzer was able to use this policy and in fact received \$100,000 in reimbursements.

Obviously, a \$100,000 policy is not sufficient for a catastrophic accident, but these policies are intended only to supplement the insurance the jockeys obtain through the Guild. It is expensive insurance. The premium is \$1,230 per race day and \$154 per training day. For 2004, Mountaineer Racetrack paid \$252,500 in premiums for on-track injury insurance. What is more, even at these premium rates there are few carriers willing to provide the coverage.

Likewise, West Virginia permits employers of trainers and jockeys engaged in thoroughbred racing to subscribe to and pay premium taxes into the state's workers' compensation fund (*See* WV Statutes, Section 23-2-1(b)(6)). Further, West Virginia's unredeemed pari-mutuel ticket law earmarks for a jockey's trust up to \$250,000 annually, specifically for health and disability benefits for active or disabled jockeys and their dependents (*See* WV Statutes, Section 19-23-13(b)(5)(C)). West Virginia law also provides that 1½% of the total amount distributed for racing purses be placed into trust to help defray the cost of medical and other expenses incurred by people whose primary source of income is derived from the racing, training and care of thoroughbred horses.

As a Director of Racing, I can offer some observations concerning what racetrack owners can do to make racing as safe as reasonably possible for jockeys, recognizing that the racetrack owner has no authority to do anything between the time the horses enter the gate and the end of the race. This is so because the conduct of racing itself is controlled by the state racing commission through its on-site personnel. What then can racetrack owners do before and after a race? Some examples are:

- Properly maintain and periodically resurface the racetrack;
- Provide a committee that includes a representative of the jockeys that has periodic meetings to discuss track conditions;
- Install safety rails and place light poles and other objects a safe distance (industry custom is ten feet) beyond the rails;
- Pad indoor paddocks, the chutes leading to the track, and the starting gates;

- Provide a comfortable jockeys' room with such amenities as sauna and hot tub;
- Provide a chaplain who is readily available to minister to the needs of jockeys and backside workers;
- Install appropriate lighting for night racing;
- Limit the number of turf races and require shoes that are less likely to make the surface unsafe;
- Provide appropriate ambulance and emergency medical personnel in case of an accident;
- Provide on-track injury insurance in accordance with industry custom, to the extent such insurance remains available.

It may seem self-evident, but I believe track safety and the welfare of those who work on-track should be, and in fact are, common goals of racetrack owners, horsemen, and jockeys and trainers. Taking these steps helps limit on-track accidents to those that cannot be prevented. Preventable accidents and the failure of the system to provide for the needs of injured participants, in addition to being tragic, are bad for business – all of our businesses.

On a personal note, I know Gary and Amy Birzer. Gary rode frequently at Mountaineer Racetrack. They are a nice family and my heart goes out to them.